



By way of introduction, a Notice To File Corrected Application Papers dated August 22, 2001, set a two-month response period in this application. This Notice was only recently brought to the attention of Applicant's attorney through a telephone call from Ms. Hayward at the United States Patent and Trademark Office. The above-identified application was transferred to the firm of Brinks Hofer Gilson & Lione in December 2001, from the law firm of Gardner, Carton & Douglas, 321 N. Clark Street, Suite 3400, Chicago, IL 60610. However, there is nothing in the file or any other record

in possession of the undersigned attorney that indicates that the Notice to File Corrected Application Papers was ever received by Applicant's former attorneys or the undersigned. Further, a docket record from Gardner, Carton & Douglas is attached hereto and indicates that the Notice to File Corrected Application Papers was never received. Therefore, having never received the Notice, the undersigned attorney could not file a reply.

Attached as Exhibit 1 is a declaration executed by the undersigned attorney that states that (1) neither he nor his firm received the Notice to File Corrected Application Papers of August 22, 2001 and (2) a search of the file jacket and the docket records of the firm confirms that this Notice was not received. Attached as Exhibit A to the Declaration is a letter from the law firm of Gardner, Carton & Douglas stating that the Notice was not received, as well as their docket statement confirming that the Notice was not received. Accordingly, the holding of abandonment in this application should be withdrawn per MPEP Section 711.03(c)(II).

The Commissioner is hereby authorized to charge payment of any fees associated with this Petition for Withdrawal to Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

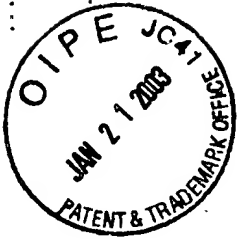
Respectfully submitted,



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William F. Prendergast  
Registration No. 34,699  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



Our File No. 11362/14

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Roger Paulman	)	
	)	
Serial No. 09/918,922	)	Examiner Not Assigned
	)	
Filing Date: July 30, 2001	)	Group Art Unit No. Not Assigned
	)	
For FOLDED, BENT AND RE-	)	
EXPANDED HEAT EXCHANGER	)	
TUBES AND ASSEMBLIES	)	

**DECLARATION OF WILLIAM F. PRENDERGAST**

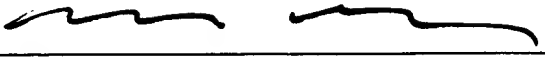
The undersigned hereby states as follows:

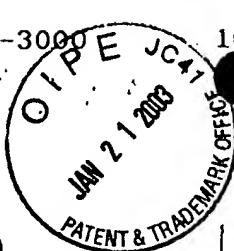
1. The above-identified application was transferred to the firm of Brinks Hofer Gilson & Lione in December 2001, from the law firm of Gardner, Carton & Douglas, Chicago, Illinois.
2. A review of the above-identified file indicates nothing in the file or any other record in possession of the undersigned attorney showing that the Notice to File Corrected Application Papers dated August 22, 2001, was ever received by the law firm of Gardner, Carton & Douglas.
3. Attached hereto as Exhibit A is a letter from the firm of Gardner, Carton & Douglas stating that the Notice to File Corrected Application Papers was never received by them. In addition, a docket statement from Gardner, Carton & Douglas is also attached hereto indicating that the Notice to File Corrected Application Papers was never received by them.

Applicant: Paulman  
Serial No. 09/918,922  
Petition for Withdrawal of Erroneous Abandonment  
Declaration of William F. Prendergast  
Page 2

4. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: 1/15/03

  
\_\_\_\_\_  
William F. Prendergast

**GCD**

Gardner Carton &amp; Douglas

191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698

Washington, D.C.

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January 10, 2003

**By Facsimile**William F. Prendergast, Esq.  
Brinks Hofer Gilson & Lione  
455 North Cityfront Plaza Drive  
Suite 3600  
Chicago, IL 60611-5599**Re: U.S. Serial No. 09/918,922 – Peerless of America**

Dear Mr. Prendergast:

As requested, I have reviewed the Gardner, Carton & Douglas (GCD) docket record (copy enclosed) for United States Patent Application Serial Number 09/818,922. We transferred our file for this case to you on December 14, 2001.

Since transferring the responsibility of that patent application to Brinks Hofer, we have not received any further correspondence from the United States Patent and Trademark Office (USPTO) regarding that application. If we had received any correspondence from the USPTO after December 14, 2001 we would have forwarded the original to you and placed a copy of the correspondence in our master file regarding the transfer of the Peerless files to your firm.

After reviewing our master transfer file, I can state with certainty that no such office action was received by GCD.

If you have any further questions, please let me know.

Sincerely,

Laura A. Wells  
ParalegalLAW/LMC  
Enclosure  
CH01/12267103.1

**Country Application**

10-Jan-03

**Case Number:** P971853      **Country:** US      **SubCase:**  
**Client:** PEERLESS OF AMERICA      United States of America  
**Case Type:** CON      **Application Status:** Transfer  
**Application Number:** 09/918,922      **Filing Date:** 30-Jul-2001  
**Patent Number:**      **Issue Date:**  
**Publication Number:**      **Publication Date:**  
**Priority Number:** 09/226,908      **Priority Date:** 08-Jan-1999  
**Tax Schedule:** SE      **Expiration Date:**  
                                 **Tax Start Date:**

**Agent:****Agent Reference Number:****List Of Actions**

Action(s) Du	Due Date		Action Taken
Foreign Filing Reminder	08-Jul-1999	Due Date	30-Jul-2001
Foreign Filing Due	08-Jan-2000	Final	30-Jul-2001
Information Disclosure Stmtnt	30-Oct-2001	Due Date	14-Dec-2001
Request for Examination	08-Jan-2002	Due Date	14-Dec-2001
Application Status Check	30-Jan-2003	Due Date	14-Dec-2001

**Remarks:** 12-14-01: PER ROGER PAULMAN'S REQUEST, FILE TRANSFERRED TO WILLIAM PRENDERGAST AT BRINKS, HOFER, GILSON & LIONE

THIS APPLICATION IS A CONTINUATION OF SERIAL NO.  
09/226,908, FILED JANUARY 8, 1999, WHICH IS A CIP OF 08/798,615;  
FILED FEBRUARY 11, 1997, WHICH IS A DIVISIONAL OF 08/572,180;  
FILED DECEMBER 13, 1995

PROVISIONAL APPLICATION 60/006,655; FILED NOVEMBER 13,  
1995

**User ID:** LAW**Date Created:** 01-Aug-2001**Last Update:** 12-Aug-2002